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July 12, 2004

INFORMATIONAL NOTICE

TO: Providers of Long Term Care (Nursing Facilities and Intermediate Care Facilities for the Developmentally Disabled)

RE: Clarification of Decedent's Accounts Policy

This notice is being distributed to clarify departmental policy regarding the disposition of monies left in a decedent's long term care facility account.

Upon the death of a resident, the facility must notify the Department of Human Services local office of any resident funds held by the facility using Form DPA 1156, Long Term Care Facility Notification, within 30 days. Cook County facilities should contact Medical Field Operations. If the Department has a claim against the estate of a deceased resident for Medicaid benefits, it will provide the facility with a small estate affidavit to collect from the resident's fund.

Under State law (755 ILCS 5/25-1), upon receipt of a properly executed small estates affidavit, a person or entity holding the property of a decedent is required to disburse the property requested.

Doing so releases the entity from any liability to any other party who may later assert a claim against the decedent's property. If an entity disburses funds of a decedent without a small estates affidavit, that entity may be liable to a party or parties who later assert claims.

For these reasons, the department strongly recommends that facilities require a small estate affidavit before disbursing any deceased resident's funds. Doing so will protect the facility from any liability to any party with a claim against the decedent's estate.

If a facility does choose to implement a policy of requiring a small estates affidavit before disbursing a deceased resident's funds, this policy should be written and included in the resident agreement.

Anne Marie Murphy, Ph.D
Administrator
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